

IN the UNITED STATES DISTRICT COURT
 IN the SOUTHERN DISTRICT OF TEXAS
 MC ALLEN DIVISION

PRO SE
 DUSTIN SANford *
 TDCJ # 1682436 *
 PLAINTIFF *
 VS * COMPLAINT
 THE LOPEZ UNIT WARDEN * CIVIL ACTION
 AND C.O. POLICE AND OTHER *
 C.O.'S ON DUTY IN Z DORM *
 ON 2-2 Shift BEGINNING ON *
 FEB 7TH 2014. *
 IN THEIR INDIVIDUALLY AND *
 OFFICIAL CAPACITIES. *
 DEFENDANTS *

this is A CIVIL ACTION AUTHORIZED BY 42 U.S.C. SECTION 1983 TO REDRESS THE DEPRIVATION UNDER COLOR OF STATE LAW OF RIGHTS SECURED BY THE CONSTITUTION OF THE UNITED STATES. THE COURT HAS JURISDICTION UNDER 28 U.S.C. SECTION 1331 AND 1333 (a)(3). PLAINTIFF SEEKS DECLARATORY RELIEF PURSUANT TO 28 U.S.C. SECTION 2201 AND 2202.

THE SOUTHERN DISTRICT OF TEXAS IS AN APPROPRIATE VENUE UNDER U.S.C. SECTION 133(b)(2) BECAUSE IT IS WHERE THE EVENTS GIVING RISE TO THE CLAIM OCCURRED.

PLAINTIFF DUSTIN SANford IS AND WAS AT ALL TIMES MENTIONED HEREIN A PRISONER OF THE STATE OF TEXAS IN THE CUSTODY OF THE TEXAS DEPARTMENT OF CORRECTIONS HE IS CURRENTLY CONFINED IN GIB LEWIS UNIT IN WOODVILLE TX.

Defendants the LOPEZ UNIT WARDEN AND MS. SOLICE AND OTHER OFFICERS ON DUTY IN THE BUILDING-Z, DORM II ON FEB 7TH 2014. IS SENIOR WARDEN OF LOPEZ UNIT, TEXAS DEPARTMENT OF CORRECTIONS HE IS LEGALLY RESPONSIBLE FOR THE OVERALL OPERATIONS OF THE DEPARTMENT AND EACH INSTITUTION UNDER ITS JURISDICTION INCLUDING THE LOPEZ UNIT.

Defendant SENIOR WARDEN OF LOPEZ UNIT IS THE WARDEN OF LOPEZ UNIT. HE IS LEGALLY RESPONSIBLE FOR THE OPERATION OF LOPEZ UNIT AND FOR THE WELFARE OF ALL THE INMATES IN THAT PRISON.

Defendant MS SOLICE IS A GUARD, CORRECTIONAL OFFICER OF THE TEXAS DEPARTMENT OF CORRECTIONS, WHO AT ALL TIMES MENTIONED IN THIS COMPLAINT, HELD THE RANK OF C.O. AND WAS ASSIGNED TO LOPEZ UNIT.

EACH DEFENDANT IS SUED INDIVIDUALLY AND IN THEIR OFFICIAL CAPACITY AT ALL TIMES MENTIONED IN THIS COMPLAINT EACH DEFENDANT ACTED UNDER THE COLOR OF STATE LAW.

FACTS

ON FEB 7TH 2014 AT THE LOPEZ UNIT IN BUILDING Z DORM II IN ELDERBURG TX I WAS ATTACKED BY ANOTHER INMATE WHO BEAT ME FOR 10 TO 15 MIN. I SUSTAINED INJURIES MY JAW WAS BROKEN IN THREE PLACES, AND BLOWOUT FRACTURES OF THE BONE OF MY RIGHT EYE, ALSO A SPLIT UNDER THE RIGHT EYE AND MY EYE BROW. THERE WAS NOT AN OFFICER PRESENT ANY WHERE EXCEPT THE PICKET. MS SOLICE AND ANOTHER GUARD WERE SUPPOSED TO BE ON DUTY AT THIS BUILDING WHEREFORE I HAD TO RUN FOR MY LIFE AND PUSH THE PANIC BUTTON TO GET HELP. THEY WHERE CALLED ON THE RADIO, FINALLY SHOWED UP THEY TOOK ME AND LOCKED ME IN A#9 CELL WITHOUT MEDICAL CARE.

for 4 or 5 hours later I was in EXCRUCIATING PAIN, they took me to the local HOSPITAL for EXRAYS, the doctor stated that I NEED SURGERY Right Away, But the WARDEN refused to let the Doctor do the SURGERY. I WAS locked back in A99 SEQ for 6 or 7 more days without medical CARE ONLY ASPIRINS. I ASKED for GRIEVANCES to Report this but was DENIED. then was sent to Galveston where they wired my JAW AND its Now 5-21-14 AND I AM STILL SUFFERING from that broken JAW because there was NO HELP for me when I was ATTACKED AND BEATEN for 10-15 min UNMERCIFULLY by ANOTHER INMATE AT THE LOPEZ UNIT violated the law WHEREAS PRISON OFFICIALS MAY NOT ACT WITH DELIBERATE INDIFFERENCE TO A SERIOUS MEDICAL NEED. AND I KNOW THAT THE EIGHTH AMENDMENT PROTECTS MY RIGHT TO MEDICAL CARE. BECAUSE THE CONSTITUTION GUARANTEES PRISONERS THIS RIGHT EVEN THOUGH IT DOES NOT GUARANTEE MEDICAL CARE TO PEOPLE OUTSIDE OF PRISON. SINCE FEB. 7TH 2013 I HAVE SUFFERED FROM THIS BROKEN JAW UPON TIL NOW THE WIRING OF MY JAW WAS UNSUCCESSFUL AND DEALING WITH SUCH PAIN AND SUFFERING BECAUSE OF AN TDC. OFFICERS LEFT HER POST AND ENDANGERED MY LIFE TO THIS POINT.

Plaintiff DUSTIN SANFORD tried to use the PRISONER'S GRIEVANCE PROCEDURES THAT WERE AVAILABLE AT LOPEZ UNIT TO TRY AND SOLVE THIS PROBLEM. BUT WAS LOCKED IN A99 SEQ AND DENIED THE RIGHT TO THE GRIEVANCE PROCEDURE BY OFFICERS WHO WOULD NOT GIVE GRIEVANCES ON FEB 7TH 2013 WHEREAS & SUBMITT THIS COMPLAINT

Plaintiff's Recite and Incorporate by Reference Paragraphs 1-9. THE EIGHTH AMENDMENT VIOLATING BEATING AT THE HAND OF ANOTHER INMATE, AND THE OFFICERS FAILURES TO PROTECT ME, AND THE DELIBERANT INDIFFERENCE OF MY SERIOUS MEDICAL NEED, AND A UNSAFE CONDITION VIOLATES PLAINTIFF DUSTIN SANFORD'S RIGHTS AND CONSTITUTED AN EIGHTH AMENDMENT CRUEL AND UNUSUAL PUNISHMENT FAILURE TO PROTECT AND DUE PROCESS VIOLATION UNDER 8TH AND 14TH AMENDMENT OF THE UNITED STATES CONSTITUTION.

THE PLAINTIFF HAS NO PLAN, ADEQUATE OR COMPLETE REMEDY AT LAW TO REDRESS THE WRONGS DESCRIBED HEREIN. PLAINTIFF HAS BEEN AND WILL CONTINUE TO BE IRREPARABLY INJURED BY THE CONDUCT OF THE DEFENDANTS UNLESS THIS COURT GRANTS THE DECLARATORY RELIEF WHICH PLAINTIFF SEEKS.

PRAYER FOR RELIEF

WHEREFORE PLAINTIFF RESPECTFULLY PRAYS THAT THIS COURT ENTER JUDGMENT GRANTING PLAINTIFF:

A DECLARATION THAT THE ACTS AND OMISSIONS DESCRIBED HEREIN VIOLATED PLAINTIFF'S RIGHTS UNDER THE CONSTITUTION AND LAWS OF THE UNITED STATES

COMPENSATORY DAMAGES IN THE AMOUNT OF \$250,000.00 AGAINST EACH DEFENDANT, JOINTLY AND SEVERALLY.

PUNITIVE DAMAGES IN THE AMOUNT OF \$250,000.00 AGAINST EACH DEFENDANT.

A JURY TRIAL ON ALL ISSUES TRIABLE BY JURY.
PLAINTIFF'S COSTS IN THIS SUIT.

ANY ADDITIONAL RELIEF THIS COURT DEEMS JUST, PROPER AND EQUITABLE FOR POST-DESTRUCTIVE STRESS UP TO \$1,000,000.00

Date _____

RESPECTFULLY SUBMITTED

Name and Address.

VERIFICATION

I have read the foregoing Complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and as to those I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

executed at Woodville tx on date _____

SIGNATURES _____

Print Name _____